

## **405 KAR 1:160. Protection of the hydrologic system.**

RELATES TO: KRS 350.420

STATUTORY AUTHORITY: KRS 350.028, 350.420

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.028 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the strip mining of coal. This administrative regulation sets forth requirements for minimizing disturbances to the hydrologic system.

Section 1. General. (1) Strip mining and reclamation operations shall be planned and conducted in such manner as to minimize disturbance to the prevailing hydrologic balance in order to prevent long-term adverse changes in the hydrologic balance that could result from strip mining and reclamation operations, both on and off site.

(2) Changes in water quality and quantity, in the depth to groundwater, and in the location of surface water drainage channels shall be minimized such that the postmining land use of the disturbed land is not adversely affected and applicable federal and state statutes and regulations are not violated.

(3) Operations shall be conducted so as to minimize water pollution and shall, where necessary, use treatment methods to control water pollution. The permittee shall emphasize practices which will prevent or minimize water pollution and changes in flows in preference to the use of water treatment facilities. Such practices include, but are not limited to, stabilizing disturbed areas through grading, diverting run-off, achieving quick growth stands of temporary vegetation, lining drainage channels with rock or vegetation, mulching, sealing acid-forming and toxic-forming materials and selectively placing waste materials in backfill areas. If pollution can be controlled only by treatment, necessary water treatment facilities shall be constructed, operated and maintained by the permittee for as long as treatment is required.

Section 2. Sealing of Surface Openings. (1) Vertical holes such as boreholes, shafts and walls, and approximately horizontal holes such as auger holes, shall be cased, sealed or otherwise managed to prevent pollution of surface or groundwater and to prevent mixing of groundwaters of significantly different quality.

(2) All boreholes that are within the permit area but are outside the area of strip mining operations or which extend beneath the coal to be mined and into water bearing strata shall be plugged permanently in a manner approved by the cabinet, unless the boreholes have been approved for use in monitoring.

Section 3. Water Rights and Replacement. The permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption approximately resulting from strip mining operations by the permittee. (4 Ky.R. 394; eff. 5-3-78; Am. 492; 5 Ky.R. 205; eff. 8-23-78; TAm eff. 8-9-2007.)